Clerk of Court

## United States District Court

#### EASTERN DISTRICT OF MISSOURI

BILL OF COSTS

V.	Case Number:	4:05-cv-1455 (JCH)
Judgment having been entered in the above entitled action on   Output  Date		is County, Missouri
the Clerk is requested to tax the following as costs:		
Fees of the Clerk	A de la constanta de la consta	705.00
Fees for service of summons and subpoena (if service by U.S. Marshal)		
Fees of the court reporter for all or any part of the transcript necessarily obtained	for use in the case	2063.25
Fees and disbursements for printing		***************************************
Fees for witnesses (itemize on reverse side)		146.00
Fees for exemplification and copies of papers necessarily obtained for use in the ca	ase	827.40
Docket fees under 28 U.S.C. 1923		
Costs as shown on Mandate of Court of Appeals		
Compensation of court-appointed experts		
Compensation of interpreters and costs of special interpretation services under 28 U	U.S.C. 1828	
Other costs (please itemize)		
	TOTAL	3741.65
SPECIAL NOTE: Attach to your bill an itemization and documentation for reques	sted costs in all categories.	
DECLARATION	Y	
I declare under penalty of perjury that the foregoing costs are correct an services for which fees have been charged were actually and necessarily postage prepaid to:	performed. A copy of thi	s bill was mailed today with
Robert H. Grant and Michael Shuman, 4 5. Central	Ave., Clayton, 010	63105
Signature of Attorney: J. P. W.		
Name of Attorney:		Ferne P. Wolf
For: Carolyn Betton, et al	, Plaintiffs Date:	3/26/10
•	_	nd included in the independent
Costs are taxed in the amount of	a	nd included in the judgement.

Deputy Clerk

Date

#### Case 4:05-cv-01455-JCH Document 125 Filed 03/26/10 Page 2 of 20

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTEN Days	NDANCE Total Cost	SUBSIS Days	STENCE Total Cost	MIL: Days	EAGE Total Cost	Total Cost Each witness
Robert Peterson, 653 Indian Acres Rd., Robertsville, MO 63072	1	40			1	44	88.00
Phillip Muehlheausler, 5544 Seabridge Court, St. Louis, MO 63129	1	40			1	18	58.00
					TO	TAL	146.00

#### NOTICE

#### Section 1924, Title 28, U.S. Code (effective September 1,1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred m the case and that the services for which fees have been charged were actually and necessarily performed."

#### See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and upon allowance, included in the judgment or decree."

#### The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except where express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6 (e)

"Whenever a party has the right or IS required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

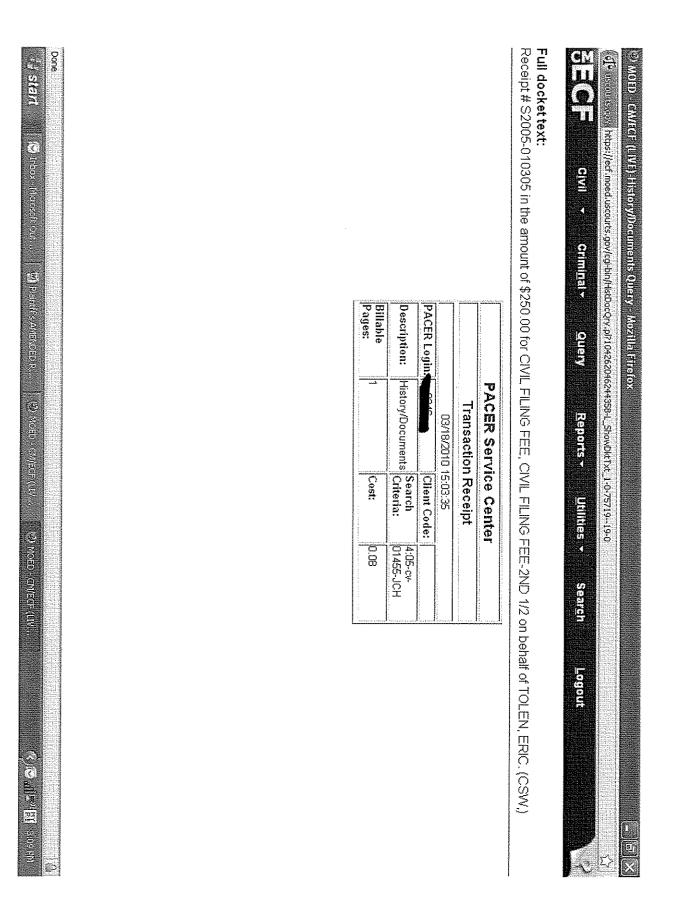
Rule 58 (In Part)

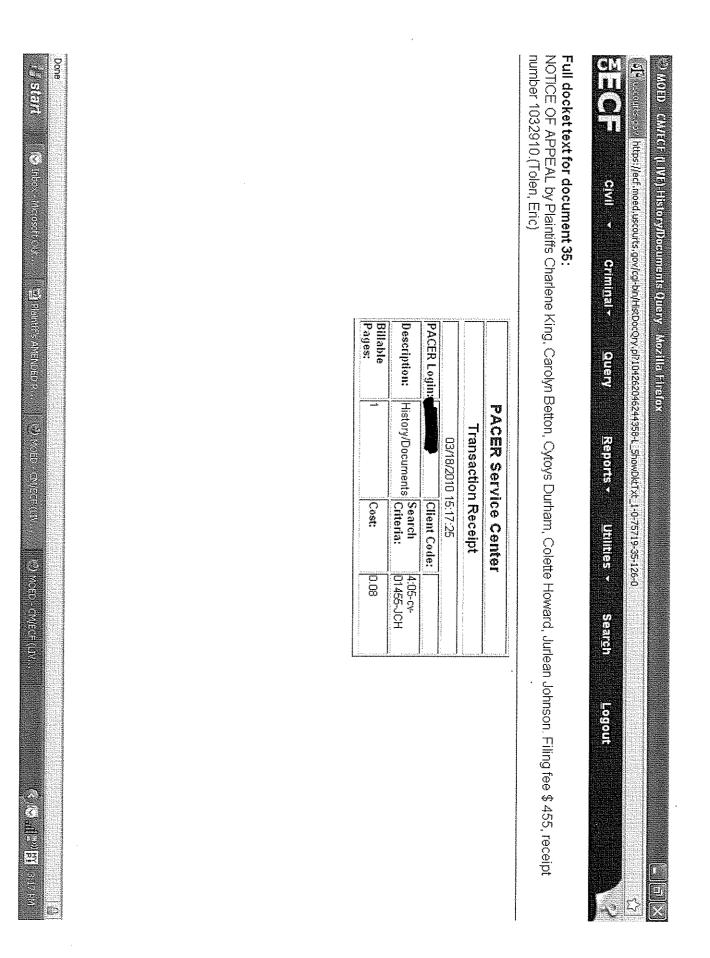
"Entry of the judgment shall not be delayed for the taxing of costs."

### 

#### **Summary of Costs**

Page	Description	Cost	Totals
	Fees of the Clerk		
	Civil Filing Fee	\$250.00	
2	Notice of Appeal Filing Fee	\$455.00	
			\$705.00
	Fees of the court reporter		
	Midwest Litigation Services for depositions of Jurlean		
3	Johnson, Charlene King	\$200.50	
	Midwest Litigation Services for depositions of Cytoys		
4	Durham and Collete Howard	\$206.50	
	Midwest Litigation Services for deposition of Carolyn		
5	Betton	\$184.00	
	Mueller Reporting for Depositions of Mary Losing, Linda		
6	Edison, Michael Suddarth, and Mary Blunt	\$812.90	
7	Mueller Reporting for Deposition of Philip Muehlheausler	\$228.00	
	Mueller Reporting for Depositions of Shirley Surgener and		
8	Vanessa Farmer	\$280.65	
9	Mueller Reporting for Deposition of Karen Leahy	\$150.70	
			\$2,063.25
10	Fees for witnesses (itemized on Bill of Costs)		\$146.00
	Photocopying		
15	4137 pages @ .20/page		\$827.40
	Total		\$3,741.65





#### **Midwest Litigation Services**

An Affiliate of National Depo 711 North 11th Street St. Louis,MO 63101 Telephone: 314-644-2191 Fax: 314-644-1334

Bill To:

Tolen Law Firm 2012 Woodson Road St. Louis, MO 63114

Invoice #:

STL27560

Invoice Date:

10/27/2006

Balance Due:

\$ 0.00

Case #:

Case: Caro Job #: 2176 Billing Atty:	line Betton v. St Louis County 8   Job Date: 10/17/2006   Delivery: Normal
Location: Er	ic Tolen Law Offices 112 Woodson Road   St. Louis, MO 63114

Iten	Wilness	Description	Units	Ofty	Price	Amount
1	Jurlean Johnson	Transcript - copy/copies	Page	67.00	\$1.50	\$100.50
2	Jurlean Johnson	Shipping & handling	Package	1.00	\$8.50	\$8.50
3	Charlene King	Transcript - copy/copies	Page	61.00	\$1.50	\$91.50
Note			· · · · · · · · · · · · · · · · · · ·		Invoice Total: Payment: Credits:	\$200.50
	d. Tax ID:	Term: Due Upon Rece	ipt		Balance Due:	(\$200.50) <b>\$0.00</b>

TERMS: Payable upon receipt. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees.

Contact us to correct payment errors. No adjustments or refunds will be made after 90 days.

I certify this invoice represents the true and original costs: Midwest Litigation Services By: Kai Poulay

Billing Supervisor

Make check payable to: Nati	onal Depo
□ Visa □ MC □ Amex □	☐ Discover ☐ Lock Box
Credit Card #	Exp. Date
SIGNATURE (AS IT APPEARS ON CREDIT	•
PRINT NAME (AS IT APPEARS ON CREDIT	CARD)

DAYTIME PHONE

Invoice #: STL27560 Job #: 21768

Invoice Date: 10/27/2006

Balance: \$ 0.00

Please remit payment to: National Depo P.O. Box 404743 Atlanta, Ga 30384-4743

#### **Midwest Litigation Services**

An Affiliate of National Depo 711 North 11th Street St. Louis,MO 63101

Telephone: 314-644-2191 Fax: 314-644-1334

Bill To: Anthony Muhlenkamp

Tolen Law Firm 2012 Woodson Road St. Louis, MO 63114 invoice #:

STL29693

Invoice Date:

12/05/2006

Balance Due:

\$ 0.00

Case #:

Case: Caroline Betton v. St Louis County	
Job #: 22455   Job Date: 11/14/2006   Delivery: Normal	
Billing Atty: Anthony Muhlenkamp	
Location: Eric Tolen Law Offices 2012 Woodson Road   St. Louis, MO 63114	

Fed. Tax ID: Term: Due Upon Receipt			sint		Payment: Credits: Balance Due:	(\$206.50) <b>\$0.00</b>
Note	es:				Invoice Total:	\$206.50
3	Colette Howard	Shipping & handling	Package	1.00	\$8.50	\$8.50
2	Colette Howard	Transcript - copy/copies	Page	74.00	\$1.50	\$111.00
1	Cytoys Durham	Transcript - copy/copies	Page	58.00	\$1.50	\$87.00
Iten		Description				Amount

TERMS: Payable upon receipt. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees.

Contact us to correct payment errors. No adjustments or refunds will be made after 90 days.

I certify this invoice represents the true and original costs: Midwest Litigation Services

By: Kur Fauley
Billing Supervisor

Make check i	payable to: Na	ition	al Depo	
☐ Visa ☐	MC ☐ Amex		Discover 🗆	Lock Box
Credit Cal	" <b>d #</b> E (AS IT APPEARS ON CRE	DITCAL		Exp. Date
***************************************	E (AS IT APPEARS ON CRE			
<u> </u>	DAYTIME DUDNE			

Invoice #: STL29693 Job #: 22455

Invoice Date: 12/05/2006

Balance: \$ 0.00

Please remit payment to: National Depo P.O. Box 404743 Atlanta, Ga 30384-4743

#### **Midwest Litigation Services**

An Affiliate of National Depo 711 North 11th Street St. Louis, MO 63101

Telephone: 314-644-2191 Fax: 314-644-1334

Bill To: Eric T Tolen

Tolen Law Firm 2012 Woodson Road St. Louis, MO 63114

Invoice #:

STL32594

Invoice Date:

02/02/2007

Balance Due:

\$ 0.00

Case #:

Case: Caroline Betton v. St Louis County Job #: 22432   Job Date: 10/31/2006   Delivery: Normal Billing Atty: Eric T Tolen Location: Eric Tolen Law Offices 2012 Woodson Road   St. Louis, MO 63114	
---	--

Item	Witness	Description	Units	Oty	Рпсе	: Amount
1	Carolyn Betton	Transcript - copy/copies	Page	117.00	\$1.50	\$175.50
2	Carolyn Betton	Shipping & handling	Package	1.00	\$8.50	\$8.50
Note	\$:				Invoice Total: Payment: Credits:	\$184.00 (\$184.00) \$0.00
Fed	i. Tax ID: tarisfa	Term: Due Upon Receipt			Balance Due:	\$0.00

TERMS: Payable upon receipt. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments or refunds will be made after 90 days.

> I certify this invoice represents the true and original costs: Midwest Litigation Services
> By: Kun Pauley
> Billing Supervisor

Make check pa	ayable to: Na	tion	al Depo	
□ Visa □	MC □ Amex		Discover □	Lock Box
Credit Card	i #	·		Exp. Date
SIGNATURE	(AS IT APPEARS ON CRE	DIT CA	RD)	
PRINT NAME	(AS IT APPEARS ON CRE	DIT CA	RD)	
Ε	AYTIME PHONE		<del></del>	

Invoice #: STL32594 Job #: 22432

Invoice Date: 02/02/2007

Balance: \$ 0.00

Please remit payment to: National Depo P.O. Box 404743 Atlanta, Ga 30384-4743

## Mueller Reporting, P.C.

Certified Shorthand Reporters P. O. Box 509 Edwardsville, IL 62025 618-692-9890 Fax: 618-692-9891

TO:

Sowers & Wolf Mr. D. Eric Sowers 530 Maryville Centre Drive, Suite 460 St. Louis, Missouri 63141

February 4, 2010

Depositions of ROBERT PETERSON, 64 p.

MARY LOSING, 31 p.

taken on January 27, 2010

Depositions of LINDA EDISON, 42 p.

MICHAEL SUDDARTH, 40 p.

MARY BLUNT, 21 p.

taken on January 28, 2010

Reg. orig. & condensed	cc of each, 198 p@\$	3.55 \$702.90
E-trans of each		n/c
ASCII CD, one for each	day	n/c
Attendance of reporter	1/27/10	50.00
	1/28/10	60.00

\$812.90

Carolyn Betton, et al. vs. 4:05CV1455(JCH)

St. Louis County, Missouri

REPORTER: Aimee L. Lingle, CSR, CCR

Thank you!

Ledger Date: 2/8/10 Lye Paid by: Client S&W Check #

### Mueller Reporting, P.C.

Certified Shorthand Reporters P. O. Box 509 Edwardsville, IL 62025 618-692-9890 Fax: 618-692-9891

TO:

Sowers & Wolf

Mr. D. Eric Sowers

530 Maryville Centre Drive, Suite 460

St. Louis, Missouri 63141

October 15, 2009

Deposition of PHILIP MUEHLHEAUSLER Taken on October 8, 2009

Reg. orig. & condensed cc, 52 p@\$3.55 \$184.60 E-trans n/c One copy of exhibits, 17 p@\$.20 3.40 ASCII CD n/c Attendance of reporter  $\frac{40.00}{}$ 

\$228.00

Carolyn Betton, et al. vs. 4:05CV1455(JCH)

St. Louis County, Missouri

Ledger Date: Visita Lupe

Paid by: Client S&W

Check #

REPORTER: Aimee L. Lingle, CSR, CCR

Thank you!

## Mueller Reporting, P.C.

Certified Shorthand Reporters P. O. Box 509 Edwardsville, IL 62025

618-692-9890 Fax: 618-692-9891

TO:

Sowers & Wolf

Mr. D. Eric Sowers

530 Maryville Centre Drive, Suite 460

St. Louis, Missouri 63141

October 26, 2009

Depositions of SHIRLEY SURGENER, 40 p. VANESSA FARMER, 27 p.

Taken on October 16, 2009

Reg. orig. & condensed cc of each, 67 p@\$3.55 \$237.85 E-trans n/c Two copies of exhibits, 14 p@\$.20 2.80 ASCII CD n/c Attendance of reporter 40.00

\$280.65

Carolyn Betton, et al. vs. 4:05CV1455(JCH)

St. Louis County, Missouri

REPORTER: Aimee L. Lingle, CSR, CCR

Ledger Date: Mrlv S&W
Paid by: Client S&W

Thank you!

#### 

## Mueller Reporting, P.C.

Certified Shorthand Reporters P. O. Box 509 Edwardsville, IL 62025 618-692-9890 Fax: 618-692-9891

To: Sowers & Wolf

By: D. Eric Sowers, Esq. 530 Maryville Centre Drive

Suite 460

St. Louis, MO 63141

10/21/09

Depo. of KAREN LEAHY taken on 10/12/09,

Orig. & one condensed copy, 34 P. @ \$3.55 Attendance of Reporter

\$120.70 30.00

\$150.70

Carolyn Betton, et al.

St. Louis County, Missouri 4:05CV1455(JCH)

REPORTER: Kimberly Mueller, CSR, CCR

Thank you!

SAO88 (Rev. 12/06) Subpoena in a Civil Case

## Issued by the

UNITED STATES DISTRICT COURT				
EASTERN	DISTRICT OF	MISSOURI		
Carolyn Betton, et al., V.	S	SUBPOENA IN A CIVIL CASE		
St. Louis County, Missouri	C	Case Number: 4:05CV1455 (JCH)		
TO: Philip Muehlheausler 5544 Seabridge Court St. Louis, Missouri 63129				
YOU ARE COMMANDED to appear in t testify in the above case.	the United States District	court at the place, date, and time specified below to		
PLACE OF TESTIMONY United States District Court 111 South 10th Street		COURTROOM Suite 16 North DATE AND TIME		
St. Louis, Missouri 63102		3/3/2010 9:00 am		
☐ YOU ARE COMMANDED to appear at the in the above case.	he place, date, and time sp	ecified below to testify at the taking of a deposition		
PLACE OF DEPOSITION		DATE AND TIME		
☐ YOU ARE COMMANDED to produce ar place, date, and time specified below (list	nd permit inspection and c documents or objects):	opying of the following documents or objects at the		
PLACE		DATE AND TIME		
☐ YOU ARE COMMANDED to permit ins	spection of the following	premises at the date and time specified below.		
PREMISES		DATE AND TIME		
Any organization not a party to this suit that is directors, or managing agents, or other persons whe matters on which the person will testify. Federal I	no consent to testify on its be	of a deposition shall designate one or more officers, ehalf, and may set forth, for each person designated, the (b)(6).		
ISSUING OFFICER'S, SIGNATURE AND TITLE (INDICATED AND TITLE (INDICATED AND PHONE NUMBERS) AND PHONE NUMBERS AND PHONE NU	Afty for t	DATE 2/22/2010		
D. Eric Sowers, 530 Maryville Centre Drive, S	Suite 460, St. Louis, Misso			
(See Rule 45 Federal	Rules of Civil Procedure, Subdivisions	(c), (d), and (e), on next page)		

<sup>&</sup>lt;sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

MEMO BOTOM WITHOUT RE	PAYTOTHE Philip Muchehensler  Stiffy eight & Machehensler	SOWERS & WOLF, LLC 530 MARYVILLE CENTRE DR. STE. 460 ST. LOUIS, MO 63141 314-968-2400	
	\$ 58700 DOLLARS	$\frac{2/22/15}{2500}$	Bank of America ACH R/T 081000032 1839

# Issued by the UNITED STATES DISTRICT COURT

EASTERN	DISTRICT OF	MISSOURI
Carolyn Betton, et al.,	SUBPO	DENA IN A CIVIL CASE
V.		
St. Louis County, Missouri	Case N	umber: 1 4:05CV1455 (JCH)
TO: Robert H. Peterson 653 Indian Acres Robertsville, Missouri		
YOU ARE COMMANDED to appear in testify in the above case.	the United States District court at	the place, date, and time specified below to
PLACE OF TESTIMONY	***************************************	COURTROOM
United States District Court		Suite 16 North
111 South 10th Street		DATE AND TIME
St. Louis, Missouri 63102		3/3/2010 9:00 am
☐ YOU ARE COMMANDED to appear at the in the above case.	he place, date, and time specified	below to testify at the taking of a deposition
PLACE OF DEPOSITION		DATE AND TIME
☐ YOU ARE COMMANDED to produce an place, date, and time specified below (list	~ ~ ~	of the following documents or objects at the
PLACE		DATE AND TIME
☐ YOU ARE COMMANDED to permit ins	pection of the following premise	s at the date and time specified below.
PREMISES		DATE AND TIME
Any organization not a party to this suit that is directors, or managing agents, or other persons wh matters on which the person will testify. Federal R  ISSUING OFFICER'S SIGNATURE AND TITLE (INDICAT	o consent to testify on its behalf, and tules of Civil Procedure, 30(b)(6).	d may set forth, for each person designated, the
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NU D. Eric Sowers, 530 Maryville Centre Drive, S		41 314 744-4010
(See Rule 45, Federal F	Rules of Civil Procedure, Subdivisions (c), (d), and	(e), on next page)

<sup>&</sup>lt;sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

1838	2 22 2010	88-100	DOLLARS	N.P.	
Bank of America ACH R/T 081000032		3		J. P.D.	
	SOWERS & WOLF, LLC 530 MARYVILLE CENTRE DR. STE. 460 ST. LOUIS, MO 63141 314-968-2400	BAYTO THE ROBERT H. PERETSON	Eighty-eight + "Plos	MEMO BETTON WITNESS Fre	

William L. Stage Jr.

Licensed Process Server

Serving St. Louis City, St. Louis County, Jefferson County, St. Charles County, Franklin County and Illinois

Invoice to law office of D. Eric Sowers Feb 24, 2010

In re: Case no. / Cause no. 4:05CV-1455 [JCH]

US District Court - Eastern Missouri

Carolyn Betton et al St. Louis County, Missouri VS.

Service of Subpoenas to Phillip Muehlheausler and to Robert Peterson Accomplished Feb 22-23, 2010

> \$45.00 fee x 2 \$90.00 subtotal \$45.00 - surcharge [mileage/extras] \* \$135.00 due

\* 63119 to 63072 [Robertsville] and return = 78 miles  $\times$  .45 / mile = 34.20 approx 2-mile walk to Robertson's residence / approx 1.0 hour wait for him at BP station ROLLINTERP

Explanation:

basic fee:

45.00 per process [discount if serving multiple subjects at same place and time] 35.00 if only one attempt

non-est:

40.00 for multiple attempts

mileage:

simple subpoena: 35.00 service on a nearby place of business 45 cents per mile for any destination beyond I-270

or in adjoining counties or Illinois / per attempt

10.00 and up may be added for extraordinary means of service e.g. stakeout, "urgent," middle-of-night activity or for attempts at multiple locations or for attempts at a bad

Courtroom testimony: 25.00 per hour / Investigation: 40.00 per hour

Wm. Stage

Thank You!

P.O. Box 4932 St. Louis, Missouri 63108

voice 314, 567,8697 cell 314,420,2226

Paid by:

Client

Ledger Date: 21116

Check #

#### UNITED STATE DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

CAROLYN BETTON, et al.	)	
Plaintitffs	)	
	)	
V.	)	Case No.: 4:05CV1455 (JCH)
	)	
ST. LOUIS COUNTY MISSOURI	)	
Defendant	)	

#### **Declaration Guadalupe Lugo**

Guadalupe Lugo states as follows:

- 1. I am a legal assistant at the law firm of Sowers & Wolf, LLC. I make this Declaration of my personal knowledge.
- 2. I am responsible for calculating how many copies are attributed to, and thus billed to, each of our clients. Our photocopier uses preloaded software to assign a user code for each client. This code- between four and five numbers- must be entered before photocopying is allowed. After entering the code, the photocopier automatically tracks each individual copy that is made for each client. The software attached to the photocopier then allows one to review the number of total copies printed on the machine,

as well as the number of copies made for each individual client. This same report can then be printed as an Excel spreadsheet. Using the tracking software as I was able to determine the total number of copies attributed to our clients, Carolyn Betton, et al., as 4,137 copies.

2. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2010

Guadalupe Lugo

Total Printouts B & W(Total Printouts) Cok B & W. Result(TotaCo Black & WI Black & White(Sma 584 441 103 0 673 0 3163 595 0 168 441 103 0 673 673 595 789 3749 530 675 789 789 789 789 789 673 - 673 - 595 - 595 - 6733 - 2955 - 799 - 799 - 530 - 675 790 -4792 -162 -0 -0 -586 441 103 441 -5124 - 6733 - 2955 - 789 - 3749 - 530 - 675 - 0 - 0 - 0 103 3164 595 0 673 0 790 4785 162 #Date Obtained:24/03/2010 15:52:45 #Address:192,168,118.5 betton, et al.] #Device Name:lanier [00064] [0014] [0015] [00053] [00055] [0006] [00061] [0002] [00052] #User [0018] [0019] [0021] [0021] [0027] [0032] [0033] [0035] [0036] 0017] 0039 0044] 0041] 0042] 0045] 0046] 0048] [0049] **[10051]** 

#Format Version:1.2.3.0

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